NPDES PERMIT NO. NM0030872
FACT SHEET

FOR THE DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES

APPLICANT: East Mesa Water Reclamation Facility
Las Cruces Utilities, City of Las Cruces
P.O. Box 20000
Las Cruces, NM 88004

ISSUING OFFICE: U. S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

PREPARED BY: Scott W. Stine
Environmental Scientist
NPDES Permits Branch (6WQ-PP)
Water Quality Protection Division
VOICE: 214-665-7182
FAX: 214-665-2191
EMAIL: stine.scott@epa.gov

PERMIT ACTION: Proposed first time issuance of the permit.

DATE PREPARED: August 2, 2007

40 CFR CITATIONS: Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of June 1, 2007.

CERTIFICATION: The permit is in the process of certification by the State agency following regulations promulgated at 40 CFR 124.53. A draft permit and draft public notice will be sent to the District Engineer, Corps of Engineers; to the Regional Director of the U.S. Fish and Wildlife Service; and to the National Marine Fisheries Service prior to the publication of that notice.

FINAL DETERMINATION: The public notice describes the procedures for the formulation of final determinations.

I. PROPOSED CHANGES FROM PREVIOUS PERMIT

The proposed permit is for a new facility with no previous permit, and will include conditions for secondary treatment, per 40 CFR Part 133.102.

II. APPLICANT ACTIVITY

The Environmental Protection Agency (EPA) has made a tentative determination to issue a first-time permit to the applicant for the activities described. This draft permit is a re-proposed draft of a permit first publicly noticed June 30, 2007. Substantial changes have been proposed by the applicant since that draft permit was noticed, and those changes require a new public notice.

Under the Standard Industrial Classification (SIC) Code(s) 4952, the applicant's activities are domestic wastewater treatment operations. The facility has a 1.0 million gallon per day (MGD) design flow capacity. The treatment process includes primary treatment by auger/screens, secondary treatment, and tertiary treatment by cloth disk filter, followed by ultraviolet (UV) disinfection. As described in the application, the facility proposes to intermittently land apply treated effluent to Sonoma Ranch Golf Course, which is located in Las Cruces, NM. The facility will have a limited discharge occurring for 120 days during the months of November through February. In the event that utilization is prevented over an extended period of time, the facility will intercept less or no wastewater, allowing it instead to pass to the Jacob A. Hand Wastewater Treatment Facility (NM0023311). The facility will transport treated sludge to the Jacob A. Hands Wastewater Treatment Facility by tanker.

III. DISCHARGE LOCATION

The facility is located at 5150 E. Lohman Avenue, City of Las Cruces, Dona Ana County, New Mexico. The location of the facility was provided in a communiqué from Dan Santantonio, Las Cruces Utilities, to Scott Stine, EPA, December 21, 2006. The discharge is located at the following coordinates:

Latitude: 32° 19' 40" N
Longitude: 106° 43' 26" W

IV. RECEIVING WATER USES

The effluent from the treatment plant is discharged into the Southfork of the Las Cruces Arroyo, thence to the Alameda Arroyo, thence to the Las Cruces Lateral, thence to the Rio Grande in Waterbody Segment Code No. 20.6.4.101 of the Rio Grande Basin. The general and specific stream standards are provided in "New Mexico State Standards for Interstate and Intrastate Surface Waters," (20.6.4 NMAC, amended through December 29, 2006).

The known designated uses of Water Segment Code No. 20.6.4.101 of the Rio Grande Basin are irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat, and secondary contact.

V. DISCHARGE DESCRIPTION AND OPERATIONS

A. DISCHARGE DESCRIPTION

At the time of permit drafting, the facility had not yet been constructed. A quantitative description of the discharge(s) is not available at this time.

VI. TENTATIVE DETERMINATION

On the basis of preliminary staff review and after consultation with the State of New Mexico, the Environmental Protection Agency has made a tentative determination to issue the permit for the discharge described in the application.

VII. PROPOSED PERMIT CONDITIONS

The specific effluent limitations and/or conditions will be found in the proposed permit.

VIII. DRAFT PERMIT RATIONALE

The following section sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. Also set forth are any calculations or other necessary explanations of the derivation of specific effluent limitations and conditions, including a citation to the applicable effluent limitation guideline or performance standard provisions as required under 40 CFR 122.44 and reasons why they are applicable or an explanation of how the alternate effluent limitations were developed.

A. REASON FOR PERMIT ACTION

The proposed permit is for a new facility that has not been previously permitted. The permit application was dated June 19, 2006. Additional information was received on August 1, 2007.

It is proposed that the permit be issued for a 5-year term.

B. TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Following regulations promulgated at 40 CFR 122.44(l)(2)(ii), the draft permit limits are based on either technology-based effluent limits pursuant to 40 CFR 122.44(a) or on State water quality standards and requirements pursuant to 40 CFR 122.44(d), whichever are more stringent.

Technology-based effluent limitations are established in the proposed permit for the following pollutants:

TSS
BOD_5

Water quality-based effluent limitations are established in the proposed permit for the following pollutants:

Total residual chlorine (TRC)
E. coli bacteria
pH

C. TECHNOLOGY-BASED EFFLUENT LIMITATIONS/CONDITIONS

1. General Comments

Regulations promulgated at 40 CFR 122.44(a) require technology-based effluent limitations to be placed in NPDES permits based on effluent limitations guidelines where applicable, on BPJ (best professional judgment) in the absence of guidelines, or on a combination of the two.

2. Effluent Limitations

The facility has a current design flow capacity of 1.0 million gallons per day (MGD).

The following technology-based effluent limitations are proposed:

Final Technology-Based Effluent Limits – 1.0 MGD design flow

Effluent Characteristics	Discharge Limitations			
	30-day Avg lbs/day	7-day Avg lbs/day	30-day Avg mg/l or Other Units (Specify)	7-day Avg mg/l or Other Units (Specify)
Flow	N/A	N/A	Measure (MGD)	Measure (MGD)
BOD_5	250.2	375.3	30 mg/l	45 mg/l
TSS	250.2	375.3	30 mg/l	45 mg/l

The mass loadings for BOD_5 and TSS are based on the design flow of 0.5 MGD as calculated below:

30 mg/l * 8.34 lb/gal * 1.0 MGD = 250.2 lbs/day

45 mg/l * 8.34 lb/gal * 1.0 MGD = 375.3 lbs/day

The draft permit establishes technology-based effluent limitations for BOD_5 and TSS based on those established in the effluent limitations guidelines applicable to the process wastewater.

3. Monitoring Frequencies for Limited Parameters

Regulations require permits to establish monitoring requirements to yield data representative of the monitored activity 40 CFR 122.48(b) and to assure compliance with permit limitations contained in 40 CFR 122.44(i)(1).

PARAMETERS	MONITORING REQUIREMENTS	
	FREQUENCY OF SAMPLE	REPORTING TYPE
Flow	Daily	Instantaneous
BOD_5-day	Once/Week	Grab
TSS	Once/Week	Grab

4. Sludge Disposal

The facility will transport treated sludge to Jacob A. Hands Wastewater Treatment Facility (NM0023311) by tanker.

Requirements for facilities treating domestic sewage include, but are not limited to, treatment technologies, sludge requirements, operation, reporting requirements and waste water pollution prevention requirements.

The permittee shall use only those sewage sludge disposal or reuse practices that comply with the federal regulations established in 40 CFR Part 503 "Standards for the Use or Disposal of Sewage Sludge." The specific requirements in the permit apply as a result of the design flow of the facility, the type of waste discharge to the collection system, and the sewage sludge disposal or reuse practice utilized by the treatment works. Sludge testing information, that is required of handling or disposing of the sludge, will be retained on site for five years, as required in the record keeping requirements section of Part IV, in accordance with NPDES Permit No. NM0030872.

5. Pretreatment

Pretreatment implementation language has been included in this permit because the City of Las Cruces has an approved Pretreatment Program that is required to include all of the publicly owned treatment plants owned and operated by the city.

D. WATER QUALITY-BASED EFFLUENT LIMITATIONS/CONDITIONS

1. General Comments

Effluent limitations and/or conditions established in the draft permit are in compliance with State water quality standards and the applicable water quality management plan.

2. Post Third Round Policy and Strategy

Section 101 of the Clean Water Act (CWA) states that "...it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited..." To insure that the CWA's prohibitions on toxic discharges are met, EPA has issued a "Policy for the Development of Water Quality-Based Permit Limitations for Toxic Pollutants (49 FR 9016-9019, 3/9/84)." In support of the national policy, Region 6 adopted the "Policy for Post Third Round NPDES Permitting" and the "Post Third Round NPDES Permit Implementation Strategy" on October 1, 1992, and the EPA Region 6 WET Permitting Strategy on May 1, 2005. The Regional policy and strategies are designed to insure that no source will be allowed to discharge any wastewater which (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical State water quality standard resulting in nonconformance with the provisions of 40 CFR 122.44(d); (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

3. Implementation

The Region is currently implementing its post third round policy in conformance with the Regional strategies. The NPDES permit contains technology-based effluent limitations reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional water quality-based effluent limitations and/or conditions are included in the NPDES permits. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other available toxicity information to determine the adequacy of technology-based permit limits and the need for additional water quality-based controls.

4. State Water Quality Numerical Standards

(a) General Comments

As stated above, the designated uses of this receiving water are irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat, and secondary contact.

(b) Revised Water Quality Standards

The NM WQCC adopted new WQS for the State of New Mexico. The revised WQS as amended through December 29, 2006 are available on the NMED's website at: http://www.nmenv.state.nm.us/swqb/Standards/20.6.4NMAC.pdf . The WQCC established the revised WQS in accordance with, and under authority of, the NM Water Quality Act [Chapter 74, Article 6, NMSA 1978 Annotated].

(c) Water Quality-Based Limits

(1) Total Residual Chlorine

Regulations promulgated at 40 CFR 122.44(d) require limits in addition to, or more stringent than effluent limitation guidelines (technology based). NM WQS that are applicable for this discharge are based on Section 20.6.4.900 NMAC.

Information submitted in the application indicates that treated effluent undergoes UV disinfection prior to discharge. However, when chlorine is used for bacteria control of the effluent, chlorine testing will be required. Chlorine, a known toxicant, if untreated, is likely to cause exceedances of numerical and narrative WQS contained in 20.6.4 NMAC; section 20.6.4.900 Part J.

The draft permit will have the limitation of 11 ug/l as follows:

“The maximum TRC shall be monitored by instantaneous grab sample once per day only when using chlorine for either bacteria control in the effluent or when chlorine is being used in any of the wastewater treatment systems for cleaning and /or filamentous bacteria control in the settling basin. The effluent limitation for TRC is the instantaneous maximum and cannot be averaged for reporting purposes.”

(2) Bacteria

State WQS listed in 20.6.4.101 NMAC for *E. coli* bacteria, require the monthly geometric mean to be 126 colony forming units (cfu)/100 ml or less; single sample 410 cfu/100 ml or less.

(3) Human Health Parameters

The New Mexico Environment Department (NMED), Surface Water Quality Bureau has issued a human health based Water Quality Standard that applies to all waters classified with an aquatic life use and all tributaries of those waters.

The Human Health Pollutants that require sampling and analysis include: Antimony, Dissolved; Nickel, Dissolved; Thallium, Dissolved; Arsenic, Dissolved; Selenium, Dissolved; Zinc, Dissolved; Aldrin; Chlordane; Dieldrin; Hexachlorobenzene; Tetrachloroethylene; Benzo(a)pyrene; 4,4'-DDT and derivatives; 2,3,7,8-TCDD dioxin; PCBs

The permittee shall sample for these parameters within 90 days of the first discharge from the facility. The permit may be reopened to establish effluent limitations for those parameters that have reasonable potential to exceed the New Mexico Human Health Standards.

(4) Other Conditions

Floatables are prohibited from discharge through this outfall.

The pH range of 6.6-9.0 standard units for Segment 20.6.4.101 of the Rio Grande Basin established by the current New Mexico Water Quality Standards (NM WQS) is more stringent than the pH range of 6.0-9.0 standard units specified by technology-based effluent limitations. Therefore, 6.6-9.0 standard units shall be the effluent limitation for this facility.

(4) Water Quality-Based Effluent Limits

Effluent Characteristics	Discharge Limitations				
	30-day Avg lbs/day	7-day Avg lbs/day	30-day Avg mg/l (unless noted)	7-day Avg mg/l (unless noted)	Daily Max mg/l (unless noted)
E. coli (*1)	N/A	N/A	126	N/A	410
Total Residual Chlorine	N/A	N/A	N/A	N/A	11 ug/l

Effluent Characteristic	Minimum	Maximum
pH (*2)	6.6	9.0

Footnotes
*1 Colony forming units (cfu) per 100 ml.
*2 Standard Units.

(4) Schedule of Compliance

None

(5) Monitoring Frequencies for Limited Parameters

PARAMETERS	MONITORING REQUIREMENTS	
	FREQUENCY OF SAMPLE	REPORTING TYPE
E. coli	Once/Week	Grab
pH	Once/Week	Grab
Total Residual Chlorine	Daily	Instantaneous Grab

(d) Aquatic Toxicity Testing

(1) General Comments

The State has established narrative criteria, which in part, state that:

"Surface waters of the State shall be free of toxic pollutants from in other than natural causes in amounts, concentrations or combinations that affect the propagation of fish or that are toxic to humans, livestock or other animals, fish or other aquatic organisms;..." (NM Standards 20.6.4.13.F.1)

The Implementation Guidance for NM Standards state that:

"Biomonitoring requirements will be applied to all major dischargers and those minor dischargers with known or potential problems to cause or contribute to exceedances of applicable NM Standards, numeric or narrative water quality criteria in waters with existing or designated fishery uses" (Section VI. Narrative Toxics Implementation).

(2) Permit Action

Whole effluent biomonitoring is the most direct measure of potential toxicity which incorporates both the effects of synergism of effluent components and receiving stream water quality characteristics. Biomonitoring of the effluent is, therefore, required as a condition of this permit to assess potential toxicity.

EPA has determined the receiving stream to be ephemeral. Therefore, the critical dilution will be considered to be 100%. In a letter from Marcy Leavitt, NMED, to Claudia Hosch, EPA, December 16, 2005, NMED provided Narrative Toxics Implementation Guidance – Whole Effluent Toxicity, (NTIG-WET), an update to the 1995 Implementation Guidance. Since Section 20.6.4.13.F of the NM WQS requires the protection of aquatic life, the NTIG-WET plan requires an acute 48 hour biomonitoring test, using the species *Daphnia pulex*. The permittee is required to conduct a toxicity test as described below.

(3) Testing and Reporting Requirements

The draft permit establishes the following testing and reporting requirements:

TOXICITY TESTS	FREQUENCY
Whole Effluent Toxicity Testing (48 Hr. Static Renewal)	Once/Quarter (*1)
Daphnia pulex	REPORT

(*1) If the four (4) quarterly tests occurring during the first full year of testing pass, then the monitoring frequency for *Daphnia pulex* may be reduced to once/six-months.

The permittee shall submit the results of any toxicity testing performed in accordance with NPDES Permit No. NM0030872 Part II.E.

Results of all dilutions as well as the associated chemical monitoring of pH, temperature, hardness, dissolved oxygen, conductivity, and alkalinity shall be documented in a full report according to the appropriate test method publication. The full reports required by each test section need not be submitted unless requested. However, the full report is to be retained following the provisions of 40 CFR Part 122.41 (j) (2). The permit requires the submission of the toxicity testing information to be included on the discharge monitoring report (DMR).

This permit may be reopened to require effluent limits, additional testing, and/or other appropriate actions to address toxicity if biomonitoring data show actual or potential ambient toxicity to be the result of the permittees discharge to the receiving stream or water body. Modification or revocation of the permit is subject to the provisions of 40 CFR 124.5. Accelerated or intensified toxicity testing may be required in accordance with Section 308 of the Clean Water Act.

(4) Dilution Series

The permit requires five (5) dilutions in addition to the control (0% effluent) to be used in the toxicity tests. These additional effluent concentrations are 32%, 42%, 56%, 75%, and 100%. The low-flow effluent concentration (critical dilution) is defined as 100% effluent determined above.

IX. IMPAIRED WATER- 303(D) LIST

The reach (Texas border to Leasburg Dam) into which the East Mesa Water Reclamation Facility discharges to the Rio Grande Basin is listed on the "2004-2006 State of New Mexico Integrated Clean Water Act Section 303 (d) / 305 (b) Report." The 303(d) list indicates that secondary contact is not supported in the stream segment. The probable cause of impairment is fecal coliform, which has a TMDL Schedule of 2007. The facility is a never before permitted facility, and is expected to discharge some concentration for fecal coliform bacteria. Federal regulations found in 40 CFR Part 122.4 (i) prohibit the issuance of a permit if the discharge from the new facility will "cause or contribute to a violation of water quality standards." The facility will meet the published water quality standards for *E. coli* bacteria for this segment of 126 cfu/100 ml (30-day avg.) and 410 cfu/100 ml (7-day avg.) at the point-of-discharge to meet the requirements of 40 CFR Part 122.44 (d). Meeting the water quality standards at the end of pipe meets the regulatory requirement to <u>not</u> "cause or contribute" discussed above.

A permit reopener clause has been added to the permit stating "This permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that approved State standards in accordance with 40 CFR 122.44(d). Modification of the permit is subject to the provisions of 40 CFR 124.5." Additionally language has been added stating that the permit may be reopened and modified during the life of the permit if relevant portions of the State WQS are revised or remanded. The permit may be reopened to include conditions of the completed TMDL. There are no additional permit requirements to be placed in the permit at this time.

X. ANTIDEGRADATION

The New Mexico 20.6.4.8 NMAC "Antidegradation Policy and Implementation Plan" sets forth the requirements to protect designated uses through implementation of the State water quality standards. The limitations and monitoring requirements set forth in the proposed permit are developed from the State water quality standards and are protective of those designated uses. Furthermore, the policy sets forth the intent to protect the existing quality of those waters, whose quality exceeds their designated use. The permit requirements are protective of the assimilative capacity of the receiving waters, and are protective of the designated uses of that water.

XI. HISTORICAL AND ARCHEOLOGICAL PRESERVATION CONSIDERATIONS

The applicant consulted with the State Historic Preservation Office (SHPO) regarding any historic and/or archeological impacts that the construction of this plant would impact. In a letter from Lisa M. Meyer, State of New Mexico Department of Cultural Affairs, Historic Preservation Division, September 11, 2006, to Adrienne Widmer, City of Las Cruces, the SHPO provided a determination of “no effect” for this undertaking.

XII. PERMIT REOPENER

The permit may be reopened and modified during the life of the permit if relevant portions of the State WQS are revised or remanded. In addition, the permit may be reopened and modified during the life of the permit if relevant procedures implementing the Water Quality Standards are either revised or promulgated by the State. This permit may be reopened to establish effluent limitations for the parameter(s) to be consistent with that approved State standards in accordance with 40 CFR 122.44(d). Modification of the permit is subject to the provisions of 40 CFR 124.5.

XIII. ANTIBACKSLIDING

The proposed permit is consistent with the requirements to meet Antibacksliding provisions of the Clean Water Act, Section 402(o) and 40CFR122.44(l)(2)(i)(B), which state in part that interim or final effluent limitations must be as stringent as those in the previous permit, unless information is available which was not available at the time of permit issuance.

XIV. ENDANGERED SPECIES

According to the most recent county listing available at US Fish and Wildlife Service (USFWS), Southwest Region 2 website, http://www.fws.gov/southwest/es/EndangeredSpecies/lists/, seven species in Dona Ana County are listed as Endangered or Threatened. Five of the species are avian and include the Bald eagle, least tern, Mexican spotted owl, Southwestern willow flycatcher, and Northern aplomado falcon. Sneed pincushion cactus and the Rio Grande silvery minnow are the only plant and aquatic species listed as threatened or endangered, respectively.

Research of available material finds that the primary cause for the population decreases leading to threatened or endangered status for three of the avian species, the Bald Eagle, the Mexican spotted owl and Southwestern willow flycatcher, is destruction of habitat. Based on the Environmental Assessment that was done prior to construction there was no suitable habitat within the site for these species.

No pollutants are identified by the permittee-submitted application at levels which might affect species habitat or prey species. Catastrophic fires and elimination of riparian habitat also were identified as threats to species habitat, particularly that of the Mexican spotted owl, Bald eagle, and Southwestern willow flycatcher. The National Pollution Discharge Elimination System (NPDES) program regulates discharge of pollutants and does not regulate forest management practices and agricultural practices, which contribute to catastrophic fires and elimination of riparian habitat, and thus, species habitat. Issuance of this permit is found to have no impact on the habitats of these species.

Along with habitat destruction, organochlorines have been indicated as a cause of population decreases in the Bald Eagle and the Northern aplomado falcon. Issuance of the permit will have no effect on this species, in that the discharge is not expected to contain detectable levels of these chemicals. The effluent from the treatment plant, with no significant industrial users, is treated sanitary wastewater, which does not generally contain detectable amounts of these parameters.

Segment 20.6.4.101 of the Rio Grande is not within the critical habitat of the Rio Grande silvery minnow and this species has been determined to be extirpated in Dona Ana County. Therefore, the issuance of this permit will have no adverse effect on the Rio Grande silvery minnow.

Least tern populations were formerly decreased greatly by extensive plume hunting. Currently, major causes for decline are human use and development of nesting habitat and predation on adults, young, and eggs by mammals and birds. Encroachment of vegetation may also lead to a loss of habitat. The issuance of this permit will have no adverse effect on the least tern, because no suitable habitat occurs within the area to be disturbed by construction.

Sneed pincushion cactus declines are reportedly due to habitat loss from general urban growth and past highway construction. In the past, removal by commercial plant suppliers was also identified as to contribute to the severe decline in the natural populations. Issuance of this permit is found to have no impact on the habitat of the listed species, since no suitable habitat occurs within the proposed project area.

In a Finding of No Significant Impact (FONSI) determination dated May 1, 2007, Mr. John Blevins, EPA, determined that the described action will have no effect on Federally-Listed or proposed species or their habitats.

XV. VARIANCE REQUESTS

No variance requests have been received.

XVI. ADMINISTRATIVE RECORD

The following section is a list of the fact sheet citations to applicable statutory or regulatory provisions and appropriate supporting references to the administrative record required by 40 CFR 124.9:

A. PERMIT(S)

No previous permit exists for this facility.

B. APPLICATION(S)

EPA Application Form 2A dated June 15, 2006.

Additional information received on August 1, 2007.

C. CLEAN WATER ACT CITATIONS

Section 101
Section 101(a)(3)
Section 303
Section 304(e)
Section 308
Section 401(a)(1)
Section 401(a)(2)

D. 40CFR CITATIONS

40 CFR Citations Sections 122, 124, 125, 133, 136

E. STATE WATER QUALITY REFERENCES

The general and specific stream standards are provided in "New Mexico State Standards for Interstate and Intrastate Surface Waters," (20.6.4 NMAC, amended through December 29, 2006).

F. MISCELLANEOUS REFERENCES

EPA Region 6 "Policy for Post Third Round NPDES Permitting" and "Post Third Round NPDES Permit Implementation Strategy," October 1, 1992.

National Toxics Rule 57 FR 60848, December 22, 1992.

Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, EPA/600/4-90/027, September 1991.

Policy for the Development of Water Quality-Based Permit Limitations for Toxic Pollutants 49 FR 9016-9019, March 9, 1984

EPA Region 6 "Policy for Post Third Round NPDES Permitting" and "Post Third Round NPDES Permit Implementation Strategy," October 1, 1992

G. LETTERS/MEMORANDA/RECORDS OF COMMUNICATION, ETC.

Communiqué from Dan Santantonio, Las Cruces Utilities, December 21, 2006, to Scott Stine, NPDES Permits Branch, EPA, providing physical address of Las Cruces East Mesa Water Reclamation Facility.

Letter from John Blevins, Director, Compliance Assurance and Enforcement Division, EPA, May 1, 2007, To All Interested Government Agencies and Public Groups, providing a Finding of No Significant Impact (FONSI).

Letter from Lisa Meyer, New Mexico Department of Cultural Affairs, Historic Preservation Division, September 11, 2006, to Adrienne Widmer, City of Las Cruces, stating that the State Historic Preservation Office (SHPO) provided a determination of "no effect" for this undertaking.

Letter from Marcy Leavitt, Chief, Surface Water Quality Bureau, NMED, December 16, 2005, to Claudia Hosch, Chief, NPDES Permits Branch, EPA, providing updated *Narrative Toxics Implementation Guidance – Whole Effluent Toxicity* guidance.